



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Human Resource Management  
**Subject:** Background Checks – Juvenile Services Positions

**Policy Number:** 6-16  
**Supersedes:** 07/01/00  
**Date Issued:** 08/04/03

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### I. PURPOSE

The purpose of this administrative procedure is to implement Section 2-79 of the Chesterfield County Code which requires background checks on all applicants for employment who will provide services to juveniles and all current employees who provide services to juveniles. The purpose of the ordinance is to preserve the safety and well-being of children. Accordingly, the County will not employ individuals to work with children if they have demonstrated past conduct incompatible with service to or care of children.

### II. COVERED POSITIONS

This administrative procedure shall apply to any County position which the County Administrator determines is a position which services juveniles (“Juvenile Services Position”). The Department of Human Resource Management (“HRM”) shall maintain a list of Juvenile Services Positions and notify all department directors/office administrators of Juvenile Services Positions within their department.

### III. IMPLEMENTATION

HRM shall implement and administer this policy.

- A. **New Hires for Juvenile Services Positions** – Each applicant offered a Juvenile Services Position shall be required, as a condition of their employment, to submit to fingerprinting and execute a Release and Certification Form ([see Attachment A](#)) to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information regarding such applicant. All persons hired for Juvenile Services Positions shall be given a conditional offer of employment and be permitted to begin work subject to completion of a satisfactory background check.

**Current Employees in Juvenile Services Positions** – All employees holding Juvenile Services Positions in the County shall be subject to random background checks. Every employee holding a Juvenile Services Position shall be required, as a condition of their continued employment, to complete a Release and Certification Form when selected for a random background check. Failure to execute the Release and Certification shall result in termination.

- B. In addition to random background checks, employees will receive a background check when promoted to a position in their own or another department or when applying for a transfer to another department. These employees must submit to fingerprinting and execute a Release of Certification Form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees shall be given a conditional promotional or transfer offer and be permitted to start their new position subject to completion of a satisfactory background check.
- C. All employees must provide truthful, correct and complete information on the Release and Certification form. Failure to do so will result in disciplinary action up to and including termination.

### IV. APPLICABLE DATA BASES

HRM shall process each Release and Certification in order to receive information from the Central Criminal Record Exchange (“CCRE”) maintained by the State Police; the Sex Offender and Crimes

Against Minors Registry; the Court Access Information System (“CAIS”) maintained by the Virginia Supreme Court; the Central Registry of Child Abuse through the State Department of Social Services; and other data bases legally accessible by the County.

**V. BARRIER CRIMES/DISPOSITIONS**

No person shall be retained for employment in a Juvenile Services Position if the results of the background check show that the person has a child protective service founded sexual abuse disposition or has ever been convicted of any of the following crimes as set out in Title 18.2 of the *Code of Virginia* as may be amended or equivalent offenses in another state:

**A. Crimes Against People**

1. Murder and manslaughter (§18.2-30 et seq.)
2. Malicious wounding by mob (§18.2-41)
3. Abduction (§18.2-47A, -48)
4. Felony assault and bodily wounding (§18.2-51 et seq.)
5. Robbery (§18.2-58)
6. Car jacking (§18.2-58.1)
7. Extortion and other threats (§18.2-59, -60)
8. Sexual assault (§18.2-61 et seq.)
9. Felony stalking (§18.2-60.3)

**B. Crimes Against Property**

1. Felony arson (§18.2-77)
2. Burglary (§18.2-89 et seq.)

**C. Crimes Involving Health and Safety**

1. Felony violation relating to the possession or distribution of drugs within five (5) years of the date the background check is completed (§18.2-247 et seq.)
2. Drive-by shooting (§18.2-286.1)
3. Use of machine gun in a crime of violence (§18.2-289)
4. Aggressive use of machine gun (§18.2-290)
5. Use of sawed off shot gun in crime of violence (§18.2-300A)

**D. Crimes Involving Morals and Decency**

1. Failing to secure medical attention for injured child (§18.2-314)
2. Pandering (§18.2-355)
3. Crimes against nature involving children (§18.2-361)
4. Taking indecent liberties with children (§18.2-370, -370.1)
5. Abuse and neglect of children (§18.2-371.1)
6. Obscenity offenses (§18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§18.2-374.1:1, -374.3) incest (§18.2-366)
8. Abuse and neglect of incapacitated adults (§18.2-369)
9. Employing or permitting a minor to assist in an act constituting an obscenity offense (§18.2-372 et seq.)

## **VI. ALL OTHER CRIMES/DISPOSITIONS**

All other convictions, child protective services dispositions, and any pending or past charges revealed through a background check for a Juvenile Services Position shall be considered on a case by case basis to determine whether or not the past conduct of the employee is compatible with working with juveniles. Among other factors that may be considered, consideration shall be given to the nature and character of the conduct; how the past conduct relates to the particular functions of the employee's job; the length of time since the offending conduct; rehabilitation of the employee, if applicable; the employee's job performance record; and how such conduct affects the integrity of the workplace.

## **VII. DISSEMINATION OF RESULTS**

All background search information shall be returned to HRM. At the conclusion of the background check an employee may review a copy of the results. If the search returns information regarding any employee, HRM and, as appropriate, the Department Director, in consultation with the County Attorney, shall determine whether such information disqualifies the individual for employment in accordance with Sections V and VI. If the employee is disqualified, they will not be retained in a Juvenile Services position.

## **VIII. CONFIDENTIALITY**

HRM shall maintain the confidentiality of all records received pursuant to a background search and destroy such records after a final decision has been made to retain or terminate the employee.

## **IX. GRIEVANCE**

Any full time, non probationary employee disciplined as a result of a background search may grieve such discipline in accordance with the County's grievance procedure.

## **X. APPLICATION TO OTHER PROCEDURES**

This administrative procedure shall not affect the Police Chief's ability to suspend immediately any officer charged with any crime as authorized by Section 2.1-116 of the *Code of Virginia* or affect the police officers' and firefighters' bill of rights. The scope of the background search provided by this procedure shall not prohibit a broader background search on an employee as required or permitted by law.